

By Mr. GASTON: Petitions of the Woman's Christian Temperance Unions of Erie and Waterford, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchange, etc.—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Presbytery of Allegheny, J. L. Milligan, clerk, and the Woman's Christian Temperance Union, of Bellevue, Pa., urging the passage of the Bowersock bill to prevent the sale of liquor in any post exchange, transport, or premises used for military purposes, and against saloons in our new possessions—to the Committee on Military Affairs.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HALL: Petition of the Methodist Episcopal Church of Rinersburg, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. HEATWOLE: Petition of F. V. Hubbard and other citizens of Redwing, Minn., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

Also, petitions of S. Bella Goodhue and others, and J. F. McCullough and others, of Northfield, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petitions of citizens of Grove City, Gibbon, Vermilion, Winsted, Purity, Manannah, Waterville, Jordan, Rosendale, Fari-bault, and Stewart, Minn., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. KERR: Petitions of the Kent Street Methodist Episcopal Church and United Brethren Church and citizens of Lorain, Ohio, urging the passage of the Bowersock bill preventing the sale of liquor upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. LAMB: Petition of the Bodeker Drug Company and others, of Richmond, Va., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of Joseph Howland Post, No. 631, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10260, granting an increase of pension to Ira C. Hall—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of James R. Fulton Post, No. 257, of Garden City, Kans., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of South Side Union, Woman's Christian Temperance Union, of Chicago, Ill., urging the passage of House bill prohibiting the sale of liquor in the Army and in Government buildings—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Affidavit to accompany House bill No. 4080, for the relief of the helpless children of George W. Arvin, late of Company A, Forty-fourth Indiana Infantry—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3317, for the relief of Malinda McBride—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of the Trades League of Philadelphia, Pa., urging the passage of a bill providing for the early construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of National Bicycle Workers and Allied Mechanics; also resolutions of Journeymen Horseshoers' Union, of Columbus, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, petition of Green M. Curtain, chief of the Choctaw Nation, and D. H. Johnston, governor of the Chickasaw Nation, Atoka, Ind. T., in opposition to the passage of House bill No. 9995, relative to Atoka agreement—to the Committee on the Territories.

By Mr. PAYNE: Paper to accompany House bill No. 11016, granting a pension to Stephen Chapin, of Rose, N. Y.—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Isaac Knapp Dental Coterie, of Fort Wayne, Ind., favoring the passage of House bill No. 7017, amending the act relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents—to the Committee on Patents.

By Mr. SHERMAN: Petition of Piper Post, No. 273, of Henderson, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Delaware Tribe of Indians, relating to an equitable distribution of a certain appropriation in which they are interested—to the Committee on Indian Affairs.

By Mr. SHOWALTER: Petitions of the Baptist Church of

Sheakleyville, Methodist Episcopal Church of Fredonia, and Christian Church of Sharon, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchange, transports, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. SIBLEY: Petitions of G. W. Henry and others, of Oil City, Pa., and citizens of Grand Valley, Warren County, Pa., against island saloons and canteens—to the Committee on the Territories.

By Mr. SNODGRASS: Paper to accompany House bill to remove the charge of desertion now standing against David L. Sells, of Company D, Third Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petitions of the Woman's Christian Temperance Unions of Concord and Candia, and Congregational Church and Young People's Christian Endeavor Society of Pembroke, N. H., for the passage of the Bowersock bill against island saloons and canteens—to the Committee on the Territories.

By Mr. TONGUE: Petition of ministers of all denominations in Portland, Oreg., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

By Mr. ZIEGLER: Petitions of the Young People's Christian Endeavor Society of the First Presbyterian Church, and Woman's Christian Temperance Union, of York, Pa.; Methodist Episcopal Church, congregation of the Church of God, and Young Men's Christian Association, of Mechanicsburg, Pa., urging the passage of House bill prohibiting the sale of liquor in Army canteens, post exchange, transports, or reservations used by the Government—to the Committee on Military Affairs.

SENATE.

SATURDAY, April 28, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELENDER HERRING.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 24th instant (the House of Representatives concurring), I return herewith the bill of the Senate No. 1265, entitled "An act granting a pension to Elender Herring."

WILLIAM McKINLEY.

EXECUTIVE MANSION, April 27, 1900.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi managers on the part of the House.

The message also announced that the House had passed the following bills:

- A bill (S. 342) granting a pension to Eleanor McDevitt;
- A bill (S. 474) granting an increase of pension to Isaac Patterson;
- A bill (S. 681) granting a pension to Julia D. Richardson;
- A bill (S. 752) granting an increase of pension to Isaac E. Comery;
- A bill (S. 755) granting a pension to Hannah R. Johnson;
- A bill (S. 820) granting an increase of pension to Anna M. Deitzler;
- A bill (S. 950) granting a pension to Sarah Ann Fletcher;
- A bill (S. 995) granting an increase of pension to Nelly Young Egbert;
- A bill (S. 1007) granting a pension to Mary E. Fenn;
- A bill (S. 1202) granting an increase of pension to Sarah E. Stubbs;
- A bill (S. 1242) granting an increase of pension to Adele W. Elmer;
- A bill (S. 1371) granting a pension to Charles Williamson;
- A bill (S. 1396) granting a pension to Mary R. Bacon;
- A bill (S. 1600) granting an increase of pension to John T. Hayes;
- A bill (S. 1754) granting an increase of pension to Burton Packard;
- A bill (S. 1787) granting an increase of pension to Joseph P. Pope;
- A bill (S. 1804) granting an increase of pension to Rida B. Haskell;

A bill (S. 1977) granting an increase of pension to Levi Moser;
 A bill (S. 2200) granting an increase of pension to Elizabeth W. Murphey;
 A bill (S. 2332) granting an increase of pension to Margaret H. Kent;
 A bill (S. 2505) granting an increase of pension to James C. Carlton;
 A bill (S. 2545) granting a pension to Nellie A. West;
 A bill (S. 2863) restoring to the pension roll the name of Francis H. Staples;
 A bill (S. 2880) granting an increase of pension to Caroline B. Bradford;
 A bill (S. 2943) granting an increase of pension to James J. Holland;
 A bill (S. 3004) granting an increase of pension to James H. Stevens;
 A bill (S. 3102) granting a pension to Seleder Burnham;
 A bill (S. 3125) granting a pension to Emily A. Larimer; and
 A bill (S. 3186) granting a pension to Margaretha Lippert.
 The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
 A bill (H. R. 192) granting an increase of pension to Anna H. Tupper;
 A bill (H. R. 359) granting an increase of pension to William M. Walker;
 A bill (H. R. 527) granting a pension to Lucy D. Young;
 A bill (H. R. 528) granting an increase of pension to Isabel B. Hamilton;
 A bill (H. R. 4367) granting an increase of pension to Mary L. Stotsenburg;
 A bill (H. R. 5978) granting an increase of pension to Amos Van Nausdile;
 A bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens;
 A bill (H. R. 8682) granting a pension to Louisa C. Germain;
 A bill (H. R. 8801) granting an increase of pension to William H. H. Macdonald;
 A bill (H. R. 8888) granting an increase of pension to Henry O'Connor; and
 A bill (H. R. 9751) granting an increase of pension to David H. Drake.

ENROLLED BILLS.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:
 A bill (S. 222) to provide a government for the Territory of Hawaii;
 A bill (H. R. 2331) granting an increase of pension to Festus Dickinson;
 A bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897;
 A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana;
 A bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee Rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia; and
 A joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Woman's Christian Temperance Union, of the congregation of the Congregational Church, and of the congregation of the Methodist Episcopal Church, all of Montrose, in the State of Colorado, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. PENROSE presented a petition of the American Philosophical Society of Philadelphia, Pa., praying for the enactment of legislation to establish a national standards bureau in connection with the United States Office of Standard Weights and Measures; which was referred to the Committee on Mines and Mining.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the adoption of certain amendments to the postal laws; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lehigh Grange, No. 782, Patrons of Husbandry, of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of Open Hand Grange, No. 153, Patrons of Husbandry, of Leroy, Pa., praying for the enactment of legislation providing for State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Beach Grove Grange, No. 1089, of Wayne County, and of Summit Grange, No. 1155, of Elk County, all Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law, for the enactment of legislation to secure protection in the use of adulterated food products, and for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the United Presbyterian Church of Sharon, of the Woman's Christian Temperance Union, of the Ladies' Missionary Society of the Nottingham Presbyterian Church, of the Christian Endeavor Society of Nottingham, of the congregation of the Methodist Protestant Church, of the congregation of the Methodist Episcopal Church, of the congregation of the Presbyterian Church, of the congregation of the English Lutheran Church, and of the congregation of Disciples' Church, all of Connellsville, and of the Woman's Christian Temperance Union of Columbia Crossroads, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the Retail Merchants' Protective Association of Wilkesbarre, Pa., praying for the retention of the provision in section 6 of House bill No. 9677, for preventing the adulteration and misbranding and imitation of foods, beverages, etc., in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the early construction, control, and ownership of the Nicaragua Canal by the Government; which was ordered to lie on the table.

Mr. ROSS presented a petition of the Woman's Christian Temperance Union of Irasburg, Vt., praying for the enactment of legislation to prohibit the sale of or dealing in any intoxicating liquors in any post exchange, canteen, transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. BARD presented a petition of sundry druggists of East Los Angeles, Cal., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

REPORTS OF A COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was recommended the bill (S. 3663) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4193) to regulate the grades of Twentieth street, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4426) for the extension of V street NW., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3987) to create a permanent commission for condemnation proceedings in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4307) authorizing the purchase of sites for buildings for the accommodation of the Interior, Treasury, and War Departments of the United States, the District of Columbia, and for other public purposes, in connection with removing the Botanical Garden fence and improving the grounds, together with the development and encouragement of ramie fiber, silk, and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of the Interior, asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. SULLIVAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3917) providing for the

improvement of the navy-yard bridge, Washington, D. C., reported it with amendments, and submitted a report thereon.

STATUE OF GENERAL GRANT.

Mr. WETMORE, from the Committee on the Library, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the exercises appropriate to the reception and acceptance from the Grand Army of the Republic of the statue of Gen. Ulysses S. Grant, to be erected in the Capitol, be made the special order for Saturday, May 19, at 4 o'clock p. m.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4471) authorizing the Secretary of the Treasury to increase the salaries of certain employees in the department of the custodian of the post-office in cities of the first class; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 4472) granting pensions to certain civilians injured while serving as employees of the Government of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4473) granting a pension to Sarah J. Snook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4474) for the relief of Dr. Joseph P. Tunis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4475) for the relief of Mary F. B. Grice; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4476) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4477) granting an increase of pension to Jane E. Hagaman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 4478) for the relief of the estate of James R. Young, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 4479) for the relief of George W. McCloughan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4480) to correct the record of Robert Ellison, deceased, on the records of the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 4481) granting a pension to Patrick Welsh;
- A bill (S. 4482) granting a pension to William C. Wilson;
- A bill (S. 4483) granting a pension to William C. Couch;
- A bill (S. 4484) granting a pension to Elliott Loomis;
- A bill (S. 4485) granting an increase of pension to Alexander Boltin;
- A bill (S. 4486) granting a pension to Mary L. Underhill;
- A bill (S. 4487) granting a pension to John Devine;
- A bill (S. 4488) granting a pension to Frederick Wright;
- A bill (S. 4489) granting a pension to John-J. Adams;
- A bill (S. 4490) granting an increase of pension to Hiram S. Kingsley; and

A bill (S. 4491) granting an increase of pension to Donald Smith. Mr. ALLEN introduced a bill (S. 4492) to indemnify Benjamin Longpre for losses sustained through cancellation of timber-culture entry; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 4493) granting a pension to Maria L. Galligan; which was read twice by its title, and referred to the Committee on Pensions.

RECLAMATION OF ARID LANDS.

Mr. CARTER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate a statement of the operations of the United States Geological Survey relating to the following items:

The investigations being made of the water resources of the United States, particularly of the arid regions.

The amount of money which has been or will be expended for this purpose in the year ending June 30, 1900.

The character of the information obtained.

What steps are being taken, or should be, to make specific statements of the possibility and cost of the reclamation of certain tracts, mapping the

sources of water, location of canals and reservoirs, giving cost of these, location, and extent of lands to be reclaimed?

What specific localities are under consideration for such surveys?

What amount of money will be required for the year ending June 30, 1901, to carry on the investigations of lands reclaimable?

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. Does the Senator object to having it go over? Does he care particularly to have it acted on to-day?

Mr. CARTER. I do not specially care, if the Senator desires that it shall go over.

Mr. SPOONER. I do, not for the purpose of antagonizing it, but I think I might like to amend it, to enlarge it a little.

The PRESIDENT pro tempore. The resolution will go over under the rule.

AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. Is there further morning business.

Mr. PETTIGREW. Mr. President—

The PRESIDENT pro tempore. Does the Senator rise to morning business?

Mr. PETTIGREW. I think there is a resolution that comes over from yesterday, and I should like to have it disposed of.

The PRESIDENT pro tempore. The Chair was about to lay it before the Senate after the conclusion of morning business. The morning business is closed, and the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether General Torres, one of the officers of the Philippine army, came to General Otis with a flag of truce on February 5, 1899, the day after the fighting commenced between our forces and those of the Filipinos, and stated to General Otis that General Aguinaldo declared that fighting had been begun accidentally and was not authorized by him, and that Aguinaldo wished to have it stopped, and that to bring about a conclusion of hostilities he proposed the establishment of a neutral zone between the two armies of a width that would be agreeable to General Otis, so that during the peace negotiations there might be no further danger of conflict between the two armies, and whether General Otis replied that fighting having once begun must go on to the grim end. Was General Otis directed by the Secretary of War to make such an answer? Did General Otis telegraph the Secretary of War on February 9, 1899, as follows: "Aguinaldo now applies for a cessation of hostilities and conference. Have declined to answer?" And did General Otis afterwards reply? Was he directed by the Secretary of War to reply, and what answer, if any, did he or the Secretary of War make to the application to cease fighting?

The President is also requested to inform the Senate whether the flag of the Philippine republic was ever saluted by Admiral Dewey or any of the vessels of his fleet at any time since May 1, 1898. Did Admiral Dewey, at the request of Aguinaldo or any officer under him, send the vessels *Concord* and *Raleigh* to Subig Bay to assist Aguinaldo's forces in the capture of the Spanish garrison at that place? Did said vessels assist in the capture of the Spanish garrison, and after the surrender did they turn the prisoners thus taken over to the Philippine forces?

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask the Chair to lay before the Senate the action of the House on the agricultural appropriation bill with a view to the appointment of conferees.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. WARREN, and Mr. BATE were appointed.

SOLDIERS' HOME AT HOT SPRINGS, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of Senate bill 2928.

The PRESIDENT pro tempore. The Chair lays the Calendar under Rule VIII before the Senate. The Senator from South Dakota asks unanimous consent that the Senate proceed to the consideration of a bill which will be read to the Senate in full for its information.

Mr. STEWART. If the Senator will give way for a moment, I wish to move to have some additional copies printed—

The PRESIDENT pro tempore. Will the Senator from South Dakota yield?

Mr. PETTIGREW. I should like to have the bill laid before the Senate first. It will take only a moment anyway. It is a

short bill, and a similar bill has passed the Senate two or three times, or four times, I believe.

The Secretary read the bill (S. 2928) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole. It proposes to appropriate \$150,000 for the erection of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which Branch Home, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by the Board of Managers. But the Branch Home shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named Home, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in the Board of Managers over the premises occupied by the Home as over other realty held by the Board until further enactment by the Congress of the United States.

It further proposes to appropriate \$20,000, to be used for the transportation to and from the Home of such patients as may be ordered to said Home by the Board of Managers and for equipping and maintaining the Home, subject to the aforesaid rules and regulations of the Board of Managers. But any member of the National Home for Disabled Volunteer Soldiers who shall be certified to the Home by the medical and legal authorities of the Board of Managers shall be admitted and treated thereat until discharged therefrom or returned to some other Branch of the National Home by order of the Board of Managers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I desire to ask that a thousand additional copies of the supplemental report on the examination of the public schools of the District of Columbia be printed for the use of the Senate. There is a great demand for it.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that 1,000 additional copies of the report on the District of Columbia school examinations, a supplemental report, be printed.

Mr. COCKRELL. Those reports ought to be printed, and printed in an accessible form. We have had the first report printed, and it has gone to the document room, and we had the last part printed, and it went, I believe, to the Committee on the District of Columbia.

Mr. STEWART. No; let it be printed for the use of the Senate.

Mr. COCKRELL. Let them both be printed together as one document. We have applications for it, and I have to go and hunt at one place for one and at another place for the other.

Mr. STEWART. I should like to have the whole report printed together for the use of the Senate.

Mr. ALLEN. I should like to know the character of the report.

Mr. SPOONER. What was the investigation?

Mr. STEWART. A school investigation. I only ask for the printing of the supplemental report, which is on the examinations. There appears to be a great demand for it, and the clerk of our committee says he has begged all the copies he can, and he can not answer the letters.

Mr. ALLISON. I ask the Senator if the examination by the committee has been completed?

Mr. STEWART. Yes.

Mr. ALLISON. Then I hope the report will be printed as a document, so that we may see what it is.

Mr. COCKRELL. It ought all to be printed together, so that we can have the whole of it.

Mr. STEWART. Then I move that 1,000 copies of the report and the supplement be printed for the use of the Senate.

Mr. ALLEN. I hope I can have the attention of the Senator from Nevada long enough to have him answer my question. What is the character of this report?

Mr. STEWART. It would take considerable time to state the character of the report. It is in favor of establishing a board of education having a responsible head. The report shows that there is no responsible head.

Mr. ALLEN. Is it the report of an investigation recently made?

Mr. STEWART. Yes; this is a just a supplemental report.

Mr. ALLEN. By whom was the investigation made?

Mr. STEWART. By the Committee on the District of Columbia.

Mr. ALLEN. Of the Senate?

Mr. STEWART. Of the Senate.

Mr. ALLEN. I am very thankful to the Senator for the information.

The PRESIDENT pro tempore. Will the Senator from Nevada repeat his exact request?

Mr. STEWART. I move that a thousand additional copies of the report and the supplement be printed together for the use of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RAINY LAKE RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River."

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURG. JOHN F. BRANSFORD.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 2055) for the promotion and retirement of P. A. Surg. John F. Bransford, of the United States Navy.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. WILLIAM T. GODWIN.

Mr. PENROSE. I ask unanimous consent to call up the bill (S. 395) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF DARIUS B. RANDALL.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 253) to provide for the payment of the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Perce Indians.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out before the word "dollars," in line 4, "three thousand one hundred and sixty-one," and insert in lieu thereof "two thousand four hundred;" so as to make the bill read:

Be it enacted, etc. That the sum of \$2,400 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Perce Indian Reservation relinquished by said deceased to the United States for the use of the Nez Perce tribe of Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD WILSON.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 3339) for the relief of Leonard Wilson.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, after the word "appropriated," in line 5, to strike out "seven hundred dollars" and insert "six hundred and forty-two dollars and sixty-eight cents," so as to make the bill read:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Leonard Wilson, out of any moneys in the Treasury not otherwise appropriated, \$642.68, for services rendered to the United States, in excess of the ordinary number of working hours, in Cuba, at Camp Wikoff, Montauk Point, Long Island, and at Huntsville, Ala., while serving in a civil capacity under the War Department with Maj. Gen. Joseph Wheeler, United States Volunteers, during the war with Spain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESS HEIGHTS ENGINE HOUSE.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (S. 3918) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments, in line 3, after the word "of," to strike out "four" and insert "twenty;" in the same line, after the word "thousand," to strike out "five hundred," and at the end of the bill to add the following proviso:

Provided, That a suitable parcel of ground, satisfactory to the Commissioners of the District of Columbia, be donated to the said District before such sum shall be available.

So as to make the bill read:

Be it enacted, etc., That the sum of \$20,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a suitable house and for the purchase of a chemical engine: *Provided*, That a suitable parcel of ground, satisfactory to the Commissioners of the District of Columbia, be donated to the said District before such sum shall be available.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

WILLIAM LEECH.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (S. 1336) for the relief of William Leech.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment to strike out, before the word "thousand," in line 4, the word "ten" and insert the word "five."

The amendment was agreed to.

Mr. BACON. Before the bill is put on its passage I should like to hear it read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to William Leech the sum of \$5,000 as compensation for injuries received by the said Leech in falling in the elevator shaft of the Treasury building on the 29th day of March, 1893; and an amount sufficient to pay same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Mr. COCKRELL. Let the report be read in that case. I should like to understand the facts.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MASON February 7, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 1336) for the relief of William Leech, make the following report:

Mr. Leech was an elevator conductor at the United States Treasury building on the morning of March 29, 1893, and had been such prior to that date. His affidavit sets out that he approached the elevator door in the dark, at a few minutes before 8 o'clock a. m., on March 29, 1893, and found it open, as it was usual for it to be at that time, and stepped, as he supposed, into the elevator, but same having been removed, he fell to the bottom of the shaft and injured his back, broke his leg, and received internal injuries.

He states that it was his practice to step into the elevator and turn on the electric light in the elevator, and that no one had any right to interfere with or move the elevator during the morning prior to or at that time (8 o'clock) except himself; that the removal of the elevator was positively against the rules of the Department, and that he had no reason for presuming it had been removed; that he was not late on that morning, and the gas in the hall in front of the elevator was not lighted; that it was not his duty to light the gas in the hall, and that the reason it was not lighted was because the pipe was stopped up with dirt, which fact had been reported, and it was afterwards repaired, and the electric light was also put in in the hall in front of the elevator afterwards.

Your committee, therefore, taking into consideration the circumstances connected with the accident as set forth in Mr. Leech's affidavit, recommend the passage of the bill with the following amendment:

In line 4 strike out the word "ten" and insert in lieu thereof the word "five."

Mr. BACON. I should like to inquire of the committee whether there is any evidence as to the question of permanent injuries? The report, as I understood it, does not give any information upon that subject. That is a very important element.

Mr. MCCOMAS. I have just heard the report. It seems to me that when a claim is made upon the Government for injuries by reason of the negligence of its employees there should be some other proof added to the affidavit of the claimant himself. It seems to be there unsupported in respect of the character of the injuries and the ordinary care exercised by the claimant who was injured. I suggest that the bill should go over or be recommitted.

Mr. ALLEN. If the Senator will permit me, I do not know how this bill came before the Senate or who called it up.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS] asked for its present consideration.

Mr. ALLEN. I will state the evidence before the committee, as I recollect it. I have seen this applicant and he is certainly disabled for life. His spinal column is injured and he never can be cured. He will be a cripple as long as he lives.

The evidence before the committee, what there was of it, showed clearly a state of facts which would make a private individual or a private corporation liable for negligence. It showed due caution on the part of this man, ordinary caution, and that he exercised ordinary prudence. It showed neglect, if not something worse, upon the part of others in tampering with the elevator.

This claimant is a man of respectable character, a man whose word I would take for almost anything, although he is a comparative stranger to me. He has a good man's face and a good man's ways. I have known him around here for some time.

Of course I do not agree with the Senator from Maryland that it is necessary to have corroborative proof in a civil case. There are criminal cases where you are required to have corroborative proof, but I have never yet known of a civil case, unless it arose upon some statute, where it was necessary to have corroborative proof; and if this evidence were submitted to a jury to form its own conclusion there would be a verdict for the amount of damages the man sustained. The facts were laid before the committee, and the report of the committee was unanimous upon them.

Mr. MCCOMAS. Does not the Senator think there should be produced evidence from medical sources to show the extent and probable duration of the injury, and whether the injury was temporary or permanent—I am sure he does—and also whether there ought not to be produced some of the accessible evidence in respect of the conduct of that elevator, the position of the doors, etc.? One man's statement in respect even of his own claim is of very great weight, and it seems to me if the elevator shaft were not lighted, and if the other circumstances were as there stated, there is accessible some proof, and some of it, I think, ought to have been produced.

Mr. ALLEN. If the Senator will permit me, suppose the facts stated in this report were alleged in a declaration and undenied, would not the plaintiff be entitled to recover?

Mr. MCCOMAS. Undoubtedly, in the absence of opposing proof; but it seems to me, with such a paucity of statement, there ought to be something more than an ex parte affidavit to justify the Senate in voting to give \$5,000 for a personal injury on an allegation that the Government has been negligent.

Mr. ALLEN. I will state to the Senator, if he will permit me right there, that I think this is a very meritorious bill.

Mr. MCCOMAS. I do not mean to say it is not.

Mr. ALLEN. I understand the claimant in this case is a man of high character.

Mr. MCCOMAS. What is the evidence of the permanent character of the injury?

Mr. ALLEN. The fact is, Mr. President, that that man's spine is permanently injured, and has been for years; and he has been seen daily going about on crutches. A man is not walking on crutches for three or four years unless he is compelled to.

Mr. JONES of Arkansas. Will the Senator from Nebraska allow me to make a suggestion?

Mr. ALLEN. Certainly.

Mr. JONES of Arkansas. The value of this case is its value as a precedent. There have been many of these cases presented to the Committee on Claims, and the committee have generally been very careful only to report such cases as have been properly made out. It may be that the facts in this case would warrant the appropriation asked, but it seems to me the defect in this case is that the facts do not appear as a matter of record. This case may be cited as a precedent for similar appropriations in cases that come hereafter, and yet the facts which make it a good case do not appear in the record and are personally known only to the members of the committee. For that reason I think the case ought to be recommitted, so that the committee may report what are the facts. The Senator from Nebraska says he is satisfied with the facts, but those facts ought to be on the record of the Senate, so that other Senators may see that the reason why the appropriation was made was because the man was injured by the contributory negligence of other employees of the Government and that he has been permanently injured.

Mr. ALLEN. I wish to be permitted to suggest to the Senator from Arkansas that I think the liability of the Government is established by the undisputed facts in the case.

Mr. BURROWS. Mr. President, I called this bill up because the beneficiary is a resident of my State; I know him and know that he is seriously crippled by that accident. The Senator from Illinois [Mr. MASON] who reported the bill is not here to-day, and so I ask that the matter may go over until that Senator is here.

Mr. CHANDLER. I would ask the Senator if there is any objection to recommitting the bill? There ought to be some evidence besides the sufferer's own affidavit as to the extent of his injuries and as to the negligence of the Government. As the bill stands with that report it will not pass the Senate, I am quite sure. If the bill can be recommitment and proper proof be furnished, demonstrating by the evidence of physicians the injuries sustained, and the evidence of other witnesses as to negligence, it might pass.

Mr. BURROWS. I will say to the Senator that I know such evidence exists and is before the committee. I have not, however, any objection to the bill being recommitment for the purpose of the committee making a fuller report.

Mr. CHANDLER. I make that motion.

Mr. CULLOM. I want to say a word before the matter passes from the attention of the Senate.

I have known this gentleman for a good many years, and I know him to be a sober, upright, and industrious man. I am satisfied that the injuries he received in falling down that elevator shaft will result in permanent disability. The man is scarcely able to go about, and I fear he will never be much better. I do not object to further testimony with reference to how it came about that the elevator car was not in the proper place and all that, but it seems to me this is a case in which there ought to be prompt action taken and relief given.

Mr. CHANDLER. The claimant says it was his own elevator and he was bound to take care of it. He went there to get into it, but it had been moved by somebody, and he fell down the shaft. There certainly should be medical evidence as to the extent of the injury.

Mr. PENROSE. I rise to make an inquiry. I have no doubt whatever that this is an extremely meritorious measure; it also, however, strikes me most forcibly as being an unprecedented attempt to take money from the Treasury. I should like to ask the Senator from Michigan, or any other Senator present, whether the proper method would not be to authorize this claim to be referred to the courts of the District of Columbia, so that the merits of the controversy may be tried and the Government of the United States protected, if it has any defense to make to this claim, by the proper law officers of those courts?

Mr. BURROWS. The motion of the Senator from New Hampshire [Mr. CHANDLER] to recommit the bill is perfectly agreeable to me. I hope that will be done, and that will end the matter for the present.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitment to the Committee on Claims.

Mr. PENROSE. I second the motion.

Mr. ALLEN. Mr. President, I suppose the Senate is a law unto itself. I have seen enough of it to know that that is true. This case is similar to other cases which have been acted upon by the Senate. While I can not mention the names, I can call to mind three or four cases of this kind where we have passed bills making appropriations for persons injured around this Capitol and around other public buildings. If this bill is recommitment to the Committee on Claims, it will not come back to the Senate at this session. It can not come back, as the Calendar of the Claims Committee is crowded beyond comparison. So this bill will simply have to pass over until the next session of Congress while this corroborative evidence is being gathered up.

I have not the slightest interest in this man, and, so far as I am individually concerned, it is a matter of absolute indifference to me, outside of the mere humanitarian view, whether he receives a cent or not; but I want to dissent as strongly and as forcibly as I can from the strange doctrine that the undisputed evidence of a witness of good character must be corroborated in order to entitle him to recover. There is no law book from Starkie, which is a legal classic, down through all the American and English works upon evidence to the present moment—and they are very numerous, as you and I, Mr. President [the President pro tempore in the chair], very well know—in which a rule of that kind is recognized.

Here we propose to ignore the ordinary rules of evidence which control the proceedings of judicial tribunals—we propose to set them aside and compel a man whose evidence and whose character are unimpeached and unimpeachable, so far as this Senate knows, and who is a living evidence of lifelong pain and misery in consequence of this injury, to go back to this committee and furnish corroborative evidence of these facts, which he may or may not be able to corroborate, before he can receive this pittance to which he is entitled.

Mr. PENROSE. I should like to ask the Senator from Nebraska a question, if he will permit me.

Mr. ALLEN. Certainly.

Mr. PENROSE. I should like to ask the Senator who represented the Government when this claim was awarded and the amount of damages defined?

Mr. ALLEN. Mr. President, the Senate of the United States represents the Government, and the House of Representatives will represent it when the bill goes there, and so the Committees on Claims of the respective Houses represent it. They will represent equally the interests of the Government and the interests of the applicant; and I presume the Senator will admit that, at least in the House of Representatives, there are gentlemen capable of caring for the Government's interests.

Mr. PENROSE. I should like to ask the Senator whether any witnesses were summoned before the committee and what was the character and extent of the investigation made into this matter?

Mr. ALLEN. I have never known of witnesses to be examined before the Committee on Claims. The evidence is usually presented in the form of affidavits and statements from reliable sources.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitment to the Committee on Claims.

Mr. ALLEN. I hope the Senator from New Hampshire will withdraw that motion, because, if adopted, it will amount to a practical denial of justice.

Mr. CHANDLER. No, it will not, let me say to the Senator. The Senator from Illinois [Mr. MASON] who is not now present has made a report, and all he states in that report is that the claimant in his affidavit states so and so. On that mere unsupported statement in the report the bill never can pass Congress.

The Senator from Michigan tells me that he believes there is medical testimony and other testimony before the committee, and he is perfectly willing to have the bill recommitment to have those facts stated in the report. Now, under those circumstances, why should the Senator from Nebraska object to the recommitment?

Mr. ALLEN. I object only because it is like the practice of setting aside a verdict in favor of an injured claimant until he has time to die.

Mr. CHANDLER. The Senator will not say that. He says this man has got his spine injured for life, and I am afraid it is so; but that fact is not proved because he says so, nor because the Senator from Nebraska has seen the man going about this Capitol upon crutches. One of the things to be guarded against in tracing cases of this kind is the simulation of injury. A disability of the kind alleged should be proved by medical testimony.

Mr. ALLEN. I dare say there is not a man living who could simulate an injury in the presence of my friend from New Hampshire, although he is not a physician.

Mr. CHANDLER. If I saw the Senator from Nebraska on crutches, I would not infer that his backbone had been injured for life.

Mr. ALLEN. There are certain physical facts which are open to the common knowledge of the human race. If I see a scar upon a man, I know as well as if I were a physician that it is a scar. I do not have to call in a physician to tell me that is a scar, nor do I have to call in a physician to tell me whether it was made by a sharp instrument or by a blunt instrument. There is the indisputable evidence on the face of the individual. If there were internal injuries claimed as resulting from a wound, then it might be necessary to call in a physician or a surgeon to make the proper examination and to take his evidence as to the character and nature of the injuries, and whether they were or were not permanent.

Mr. BACON. Will the Senator permit me a moment?

Mr. ALLEN. I will.

Mr. BACON. I ask the Senator whether there is any evidence as to whether this unfortunate man has received anything from the Government in the way of compensation or in the way of paying for medical bills, or anything of that kind?

Mr. ALLEN. I will simply say that my recollection of the facts in this case is necessarily general, because we have a great many of these claims; but my recollection is that he never had any compensation in any respect; that he was entirely without compensation.

Mr. BACON. I asked the question not for the purpose of taking issue with the Senator, but for the purpose of showing that it was important that there should be testimony upon that point, that it may appear that the Government at the time of this injury, without reference to the question of liability, had the man sent to a hospital, paid his expenses, and everything of that kind, all of which ought to be taken into consideration.

Mr. ALLEN. I have no recollection of it, but I have no doubt the Government did send him to a hospital.

Mr. BACON. That ought to appear, and that ought to be taken into consideration.

Mr. ALLEN. I have no doubt of that fact; but to send this man back by this dilatory process, as a plea in abatement, until he may die is, to my mind, Mr. President, preposterous.

There is not a contradiction in this record anywhere, no man opens his lips to dispute the facts as stated in the report, and the

Government is as silent as the grave in respect of disputing anything asserted by this man. The case is full and complete in all its facts, and no lawyer whose opinion is worth a pinch of bug dust would stand before any tribunal and deny that the facts stated in this report, which are undisputed, entitle this man to a verdict; and yet we propose, in violation of every principle of orderly judicial procedure, to send this man back to the Committee on Claims, so that somebody may be found who will corroborate the undisputed statements he has made.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLEN. Yes.

Mr. SPOONER. Was this bill referred to the Treasury Department?

Mr. ALLEN. I do not know. It would not be so referred if I had anything to do with it.

Mr. SPOONER. Why not?

Mr. ALLEN. I do not know what the Treasury Department has to do with it.

Mr. SPOONER. Would you not refer the matter to the Treasury Department for a report in relation to the case?

Mr. ALLEN. Why should it be referred to the Treasury Department?

Mr. SPOONER. To get at the facts.

Mr. ALLEN. To get at what facts?

Mr. SPOONER. Would you undertake to say that you could get at the facts simply by taking the statement of the claimant?

Mr. ALLEN. You can get at the facts in a variety of ways.

Mr. SPOONER. It seems from the report that the only way the committee resorted to of getting at the facts was by taking the statement of the claimant.

Mr. ALLEN. The committee examined into the facts and took the affidavit of the claimant, which is undisputed.

Mr. SPOONER. I only want to say to the Senator it may seem ridiculous to him; but when I was chairman of the Committee on Claims, nearly all of the bills that came before the committee were referred to the proper Department for report as to the facts.

Mr. ALLEN. I will take a statement from a Department as to the facts, but I will not take their opinion upon the facts.

Mr. SPOONER. But as to the facts in this case, it is stated that the elevator was not lighted because the pipe was filled with dirt; that it was afterwards repaired, and that there was no light in the hall, and all that. According to the old practice of the committee—and my friend from Arkansas, who was a member of the committee at the same time I was, will corroborate me about that—we would refer such a bill as this to the Secretary of the Treasury to investigate the matter in the Department and communicate the facts to the committee. I inquire if that was done in this case?

Mr. ALLEN. I do not know whether it was done or not. It would not have been done with my consent, I know. I want right here, without being diverted too far from what I intended to say, to enter my protest against this namby-pamby practice of a committee sending a bill over to some Department for its opinion about that bill. What are we here for? What is the opinion of a clerk in one of these Departments, where these opinions come from, amount to? Are we to follow their opinions in the enactment of laws or in the repeal of laws? This, Mr. President, is the legislative branch of this Government.

Mr. JONES of Arkansas. Mr. President—

Mr. ALLEN. I will yield to the Senator in a moment.

Senators and Representatives are sent here because they are supposed to represent the wishes of their constituencies. They are supposed to know what the people want enacted into laws, and what laws the people want repealed, and not some clerk who has been living in the dusty atmosphere of a Department for twenty-five or thirty years.

Now I will yield to the Senator from Arkansas.

Mr. JONES of Arkansas. I only want to ask the Senator if he is willing to take the position that the committee should hear the party in interest, who was an employee of the Treasury Department, as to the facts of this case, and then refuse to hear the testimony of everybody connected with the Department who may know the facts?

Mr. ALLEN. No; I did not say anything of the kind.

Mr. JONES of Arkansas. I certainly understood that to be the position of the Senator.

Mr. BURROWS. Will the Senator from Nebraska permit me a moment?

Mr. ALLEN. Yes.

Mr. BURROWS. Mr. President, I have the files of the committee in this case; and as a matter of justice to the claimant I ask that the affidavits which I send to the desk may be read.

The Secretary read as follows:

Statement of E. D. King in regard to matter of William Leech.

DISTRICT OF COLUMBIA, County of Washington, ss:

E. D. King, being duly sworn, deposes and says: I was employed in the

branch printing office at the Treasury Department. On the morning of the 29th day of March, 1893, came to work, as usual, at about 8 o'clock. I went toward the elevator, intending to take same to the floor where the branch printing office is situated, as was my custom. Mr. William Leech, one of the elevator operators, was just ahead of me. When I reached the elevator the door was open and Leech had fallen through the shaft to the cellar. There was no light in the hall in front of the elevator at the time or in the elevator shaft at the time. The elevator had been taken up to the upper floor by some other person, who had left the door open.

I further state that I have no personal interest in the matter.

E. D. KING.

Sworn to and subscribed before me this 27th day of March, 1896.

[SEAL.]

JAS. N. FITZPATRICK, Notary Public.

WASHINGTON, D. C., April 16, 1896.

I certify that on or about March 30, 1893, I examined Mr. William Leech, who fell down the elevator shaft at the Treasury Department. He was suffering from a fracture of the left leg above the ankle, seriously involving the ankle.

He was also badly injured about the hips and back. I was his family physician, and notwithstanding he had the closest attention of one of our most skillful surgeons he is seriously and permanently disabled, both in the back and ankle.

R. A. NEALE, M. D.,
No. 806 Nineteenth street NW.

WASHINGTON, April 1, 1896.

March 29, 1893, I was called to see William Leech, who had met with a serious accident in the elevator at the Treasury Department. He had bad fracture of lower portion of left leg, involving the ankle joint, and also contusion about the hip.

His ankle remains stiff and painful, disabling him to a great extent, and this disability is likely to be permanent.

He has constantly suffered since with pain in the back and left hip.

J. FORD THOMPSON, M. D.,
804 Seventeenth street NW.

938 K STREET NW., WASHINGTON, D. C., April 5, 1896.

I have known Mr. William Leech for more than ten years. About 10 a. m., March 29, 1893, I found him at the Emergency Hospital in a critical condition, suffering from a fall down the shaft or well of the elevator in the United States Treasury building, resulting in the breaking of his left leg below the knee and dislocating one or more of the small bones of the left ankle, and also a severe injury to the left hip joint and back (lumbar region).

Anticipating from what I heard at the hospital that a surgical operation or an amputation might be required to save life, I had Mr. Leech taken to his home and employed Dr. J. Ford Thompson and placed Mr. Leech in his charge.

Mr. Leech is totally disabled for the performance of ordinary manual labor, and, judging from my own experience and his present condition, he never will be.

J. WEED COREY.

Affirmed and subscribed to before me this 3d day of April, 1896.

[SEAL.]

JAS. A. FITZPATRICK, Notary Public.

Mr. BURROWS. Mr. President, in view of these statements, which seem to supplement the report of the committee and meet the objections which have been made to the bill, I ask the Senator from New Hampshire if he will not withdraw his motion to recommit?

Mr. CHANDLER. No, Mr. President. I have in my hand, among the papers which the Senator from Michigan procured from the committee room, in addition to those which he has had read, the affidavit of the person injured. That affidavit, as already appears, was the only statement reported by the Senator from Illinois, who made the report in favor of this claim. There should have been a report of the evidence which the Senator from Michigan has now put into the case and which has been read. That is not in the report of the committee, which contains nothing but this affidavit.

Mr. ALLEN. The report in this case was made by the Senator from Illinois.

Mr. CHANDLER. The report was made by the junior Senator from Illinois [Mr. MASON]. It is by no means clear from the affidavit of the claimant himself that the Government is liable. I think the case is of such importance that there ought to be a formal report made by the committee, because otherwise we do not know where we are going in this case.

A very sad occurrence will be remembered in the case of Postmaster Willett, of this city. In going into the new Post-Office building he went to one of the elevator openings, but the elevator was not there, and he fell down and was killed. His widow certainly deserves the commiseration of every one, and it may be she ought to have some donation made to her by the Government. It is opening a very wide field to pay money in cases of this kind. True it has been done by several bills heretofore passed. Workmen who have been injured in navy-yards and arsenals, or, in case of their death, their families have been paid; but it has always been done upon a committee report, very carefully stating all the facts; and this report, I submit to the Senator from Michigan, ought to embody all the facts in this case and the deliberate conclusion of the committee upon them. Therefore I do not withdraw my motion.

Mr. BACON. In connection with what the Senator from New Hampshire [Mr. CHANDLER] has said, I think it proper to call the attention of the committee to the fact that it may be necessary that there should be additional evidence upon the question as to whether or not there is the permanent spinal injury to this man

which has been alleged. The reason I make this suggestion is that there is a certificate from Dr. J. Ford Thompson, who is known to be an eminent surgeon, in which he fails to state that fact. He states that he was called upon to treat this unfortunate man, and he makes a careful statement with reference to the injury of his ankle and the permanent result therefrom, but all he says in reference to the spinal injury is that the man suffered with pain in his back. That is a very different thing, as we all know who have had occasion in the practice of the law to try cases involving questions of spinal concussion, from permanent spinal injury.

I do not wish to throw anything in the way of a proper recovery by this unfortunate man; but I do think, in view of the fact that there are a great many cases now pending, as I understand, before the Court of Claims, and in view of the fact that there are a great many which can be brought up, that if we propose to scale the compensation in this case upon the conclusion that there has been a permanent spinal injury, it ought not to be a matter left in doubt.

Mr. President, we have heretofore passed bills for the payment of such injuries. The Senate will remember the case of the collapse of the Ford Theater Building, in which a large number of the employees of the Government were injured. I will say that the compensation meted out in that case, although there was there a clear case of liability on the part of the Government, was not upon the scale proposed in this case.

I have the very greatest respect for the legal opinion of the Senator from Nebraska, and am very loath to fall under his severe condemnation; but I am very frank to say that I think, under the statement made by the parties in these affidavits, there is a very grave question in my mind whether there is any common-law liability; and I know of no statutory liability in this District which makes the Government liable for injuries through the negligence of its employees. That is the question here.

Mr. BURROWS. Will the Senator allow me just a moment before this bill is recommitted?

Mr. BACON. Certainly.

Mr. BURROWS. I understand the Senator from New Hampshire [Mr. CHANDLER] insists upon his motion to recommit the bill, and perhaps that is the best thing to do under the circumstances; but I want the following letter to be read from the then Secretary of the Treasury, Mr. Carlisle.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.
Washington, D. C., February 15, 1897.

MY DEAR SIR: I herewith return the certificates of Dr. Thompson and Dr. Neale, in the case of William Leech.

The circumstances under which Mr. Leech received the injuries from which he is now suffering, so far as they could be ascertained upon an investigation by the officials of this Department, have heretofore been communicated to the committee.

Mr. Leech is a poor man and is no doubt laboring under a disability as a result of his fall, and if, in the judgment of Congress, he has an equitable claim for remuneration, it is not probable that such action could be seriously objected to in view of what has been done in other cases.

Very truly yours,

J. G. CARLISLE.

Hon. J. C. BURROWS,
United States Senate.

Mr. SPOONER. I should like to inquire of the Senator if he knows where that report from the Treasury Department is?

Mr. BURROWS. I do not. That communication was sent to me during the last Congress, when I was a member of the Committee on Claims.

Mr. SPOONER. That letter states that the facts resulting from an investigation by the Treasury Department have been communicated to the committee. They have not been communicated to the Senate.

Mr. BURROWS. They ought to be among the papers.

Mr. JONES of Arkansas. They ought to be in the files of the Senate, where they will be accessible for all time to come.

Mr. ALLEN. Before this matter is acted upon—I shall not detain the Senate very long—I wish merely to say that I do not know of anything I have said which would lead the Senator from Georgia to think he has fallen under my condemnation, for certainly I have said nothing in reference to him.

Mr. BACON. I understand there was nothing personal in it; but I understood the Senator to express such very great confidence in the correctness of his legal proposition that under the facts in this case there was a legal liability on the part of the Government, I necessarily felt if I suggested anything to the contrary that I came under the condemnation of the very learned Senator.

Mr. ALLEN. It is true that I had expressed confidence in the legal proposition that this Government, if a private individual or a private corporation, would be liable under this state of facts. That proposition I am perfectly willing to discuss with the Senator from Georgia, if he desires to discuss it.

Mr. BACON. I beg the Senator's pardon.

Mr. ALLEN. It is true as a general proposition that the Government is not liable for the negligence of a servant, but there is another principle equally as well established and applicable to this case, in my judgment, and perhaps in that respect I may fall under the condemnation of the distinguished Senator from Georgia; and that is that wherever the negligence is imputable to the principal or is the result of negligence of conduct of a vice-principal, the principal is liable. That is this case. That is all there is to it. Here was somebody in charge of this elevator, whose duty it was to superintend it during the hours when it was not in operation and to prepare it for this individual when he came to discharge his duties at a certain hour in the morning. That man was a vice-principal. He stood in the attitude toward this Government of vice-principal, and his negligence, I submit to the Senate and to the Senator from Georgia, for whose judgment I have great respect, is the negligence of the Government.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLEN. I am glad to yield.

Mr. SPOONER. Does not the Senator think that that man ought to be interrogated?

Mr. ALLEN. I am not talking about the question whether he ought to be interrogated, but I am simply repelling the idea that the Senator from Georgia with a wave of his hand should say it is not worth consideration.

Mr. BACON. On the contrary, with the utmost diffidence, I expressed my very great humiliation, in view of the fact that I would entertain an opinion that would come in conflict with the very learned Senator and ex-judge from Nebraska. I did not intend to wave it away at all. I deprecated the fact, and was almost ashamed of it, and yet I ventured feebly to express it.

Mr. ALLEN. Since I have known the Senator from Georgia it has been one of the regrets of my life that I did not spend my youth under the shadow of his towering legal intellect.

Mr. CLAY. Mr. President, it strikes me that a case like this ought to be made out under the rules of law which would govern in the trial of a damage case for personal injuries. If the claimant is entitled to recover, it ought to be shown by the testimony. It ought to be shown by the party who was in charge of the elevator why he was there. It ought to be shown how came the door to be open. It is stated in this report that the person who was injured had charge of the elevator; that it was his duty to run it and operate it. He had left the elevator. It may be possible that he put the party in charge of the elevator. He may have been responsible for leaving the door open. This case was considered by the Committee on Claims simply upon two or three letters and an affidavit.

Every single witness who knows anything about the case ought to have been produced and his testimony given to the Senate. To simply take this case, try it, and say, "We will take the letters of two or three physicians and the affidavit of a party who was not cross-examined," is not the proper way to try a case.

It seems to me the bill ought to go back to the committee, the Government ought to be heard, and all the facts in connection with this case ought to be presented to the Senate that we may examine and understand the entire case. For that reason I am unwilling to vote in favor of the bill, and I believe it ought to go back to the committee.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire to recommit the bill to the Committee on Claims.

The motion was agreed to.

EDWIN CULVER.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill (S. 3505) granting an increase of pension to Edwin Culver.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Edwin Culver, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. MILLER, UNITED STATES NAVY, AND OTHERS.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (S. 3734) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

The signature of the President pro tempore was announced to the enrolled bill (S. 222) to provide a government for the Territory of Hawaii, which had previously been signed by the Speaker of the House of Representatives.

SOUTH AFRICAN REPUBLIC.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of Senate resolution 133.

The PRESIDENT pro tempore. The Senator from South Dakota asks for the immediate consideration of a resolution, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW February 2, 1900, as follows:

Whereas from the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the heroic battle of the South African Republic against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

Mr. LODGE. I ask if the resolution has ever been reported by a committee?

The PRESIDENT pro tempore. It has not.

Mr. LODGE. I think it ought to go to a committee. I move its reference to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Massachusetts moves the reference of the resolution to the Committee on Foreign Relations.

Mr. PETTIGREW. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. Let the resolution be read again.

The Secretary again read the resolution.

Mr. PETTUS. I desire to know whether the resolution has been acted upon by any committee.

The PRESIDENT pro tempore. It has not. The question is on agreeing to the motion of the Senator from Massachusetts to refer the resolution to the Committee on Foreign Relations, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE], who does not appear to be present.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague is paired with the senior Senator from West Virginia [Mr. ELKINS].

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote to refer.

Mr. HANSBROUGH (when his name was called). I will take the liberty of transferring my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Rhode Island [Mr. ALDRICH], and will vote. I vote "yea."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "nay."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "nay."

Mr. PROCTOR (when Mr. MALLORY's name was called). I have a pair with the Senator from Florida [Mr. MALLORY]. I transfer it to the senior Senator from Massachusetts [Mr. HOAR], so that the Senator from Alabama [Mr. PETTUS] and I can vote.

Mr. PENROSE (when his name was called). I am paired with the Senator from Delaware [Mr. KENNEY]. Were he present, I should vote "yea."

Mr. RAWLINS (when his name was called). I am paired with the junior Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. CULLOM. If the Senator from Utah will allow me, if it is agreeable to him, I suggest that he can pair the junior Senator from Virginia [Mr. MARTIN] with the junior Senator from Ohio [Mr. HANNA], so that he and I can both vote.

Mr. RAWLINS. All right; I consent to that arrangement, and will vote. I vote "nay."

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. If I were at liberty to vote, I should vote "yea."

Mr. BATE (when Mr. TURLEY's name was called). My colleague, as has just been stated by the Senator from Wisconsin [Mr. SPOONER], is paired with him. He is absent. I do not know how he would vote.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He

not being in his seat, I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BATE (after having voted in the affirmative). I should like to know if the Senator from Kentucky [Mr. DEBOE] has voted?

The PRESIDENT pro tempore. He has not.

Mr. BATE. I withdraw my vote, being paired with him.

Mr. PENROSE. I announced my pair with the Senator from Delaware [Mr. KENNEY], and the Senator from Idaho [Mr. HEITFELD] announces his pair with the Senator from New York [Mr. PLATT]. I suggest that we pair the two absent Senators, so that we may both vote. Then the Senator from New York and the Senator from Delaware will be paired.

Mr. HEITFELD. That is satisfactory to me.

Mr. PENROSE. I vote "yea."

Mr. HEITFELD. I vote "nay."

Mr. SCOTT. I understand that the senior Senator from Washington [Mr. TURNER] is paired with the senior Senator from Wyoming [Mr. WARREN]. I suggest to him that we transfer our pairs, which will enable both of us to vote.

Mr. TURNER. Very well.

Mr. SCOTT. I vote "yea."

Mr. TURNER. I vote "nay."

The result was announced—yeas 31, nays 11; as follows:

YEAS—31.

Allison,
Baker,
Bard,
Carter,
Clark, Wyo.
Clay,
Cullom,
Davis,

Frye,
Gear,
Hansbrough,
Hawley,
Jones, Nev.
Kean,
Lindsay,
Lodge,

McComas,
McCumber,
McEnery,
McLaurin,
McMillan,
Morgan,
Nelson,
Penrose,

Perkins,
Pettus,
Pritchard,
Proctor,
Ross,
Scott,
Shoup.

NAYS—11.

Allen,
Berry,
Chandler,

Cockrell,
Culberson,
Heitfeld,

Pettigrew,
Rawlins,
Teller,

Turner,
Vest.

NOT VOTING—45.

Aldrich,
Bacon,
Bate,
Beveridge,
Burrows,
Butler,
Caffery,
Chilton,
Clark, Mont.
Daniel,
Deboe,
Depew,

Elkins,
Fairbanks,
Foraker,
Foster,
Gallinger,
Hale,
Hanna,
Harris,
Hoar,
Jones, Ark.
Kenney,
Kyle,

McBride,
Mallory,
Martin,
Mason,
Money,
Platt, Conn.
Platt, N. Y.
Quarles,
Sewell,
Simon,
Spooners,
Stewart,

Sullivan,
Taliaferro,
Thurston,
Tillman,
Turley,
Warren,
Wellington,
Wetmore,
Wolcott.

The PRESIDENT pro tempore. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,
Bacon,
Baker,
Bate,
Berry,
Burrows,
Butler,
Carter,
Chandler,
Clay,
Cockrell,

Culberson,
Davis,
Deboe,
Elkins,
Frye,
Hansbrough,
Hawley,
Heitfeld,
Jones, Ark.
Kean,
Lindsay,

Lodge,
McComas,
McCumber,
McEnery,
McLaurin,
McMillan,
Morgan,
Nelson,
Pettus,
Pritchard,
Proctor,

Ross,
Scott,
Shoup,
Spooners,
Teller,
Turner,
Vest,
Wetmore.

The PRESIDENT pro tempore. Forty-one Senators have responded to the call of the roll. There is no quorum present.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 30, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 28, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

BENJAMIN D. GREEN AND OTHERS.

Mr. LIVINGSTON. Mr. Speaker, I want to ask unanimous consent that the report and papers and the letter of the Attorney-General accompanying the report filed yesterday in relation to the Gaynor matter may be printed in the RECORD. The request was made yesterday, but objection was made by a member on this side. It does great injustice to the author of the resolution to keep these letters and papers back. The letters are explanatory